

Docket No.: FS.20131US0A

July 14, 2005

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Please Direct All Correspondence to Customer Number **20995**

### AMENDMENT / RESPONSE TRANSMITTAL

Applicant : Katsumi Ochiai

App. No : 10/795,765

Filed : March 8, 2004

For : REMOTE CONTROL SYSTEM FOR  
MARINE DRIVE

Examiner : Edwin L. Swinehart

Art Unit : 3617

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

July 14, 2005

(Date)

Michael A. Giuliana, Reg. No. 42,611

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

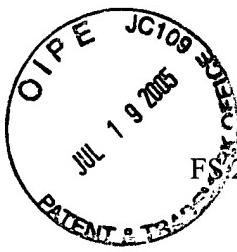
Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- Response to Election of Species Requirement in 2 pages.
- Return prepaid postcard.
- Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Michael A. Giuliana  
Registration No. 42,611  
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FS:20131US0A

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

## RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Mail Stop Amendment  
Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Election of Species Requirement set forth in the Office Action dated June 15, 2005, Applicant hereby elect the Species, identified by the examiner as being directed to "throttle valve control" or prosecution in the present application. Claims 1-2, 4-32, 34, and 35 read on the elected Species, with Claims 1-2, 4-32, 34, and 35 being generic.

The present election is being made with traverse. Applicant submits that it is well established that:

If the search and examination of an entire application can be made without **serious burden**, the examiner **must** examine it on the merits, even though it includes claims to independent or distinct inventions.

M.P.E.P. § 803 (emphasis added).

There are only two (2) dependent claims directed to the non-elected species. Thus, examination of all the claims would not present a substantial further "serious burden" on

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Filed : March 8, 2004

the Office. Applicants therefore respectfully request that the present election of species requirement be withdrawn.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 14, 2005

By:

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